

**COMBINED DECLARATION
AND POWER OF ATTORNEY**

(Original, Design, National Stage of PCT, Divisional, Continuation or C-I-P Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

This declaration is of the following type:

- ☐ original
- ☐ design
- ☒ national stage of PCT.
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (C-I-P)

the specification of which: *(complete (a), (b), or (c))*

(a) ☒ is attached hereto.

(b) ☐ was filed on as Application Serial No. and was amended on *(if applicable)*.

(c) ☐ was described and claimed in PCT International Application No. filed on and was amended on *(if applicable)*.

Acknowledgement of Review of Papers and Duty of Candor

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the subject matter claimed in this application in accordance with Title 37, Code of Federal Regulations § 1.56.

☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.98.

Priority Claim

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed

(complete (d) or (e))

(d) ☐ no such applications have been filed.

(e) ☒ such applications have been filed as follows:

| PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION | | | |
|---|-----------------|--------------------------------------|--|
| COUNTRY | APPLICATION NO. | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | PRIORITY CLAIMED UNDER 35 USC 119 <input type="checkbox"/> YES <input type="checkbox"/> NO |
| | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION | | | |
| AUSTRALIA | PP3107 | 22/04/1998 | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| AUSTRALIA | PCT/AU99/00294 | 20/04/1999 | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |

Claim for Benefit of Prior U.S. Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| Provisional Application Number | Filing Date |
|--------------------------------|-------------|
| | |
| | |
| | |

Claim for Benefit of Earlier U.S./PCT Application(s) under 35 U.S.C. 120

(complete this part only if this is a divisional, continuation or C-I-P application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| (Application Serial No.) | (Filing Date) | (Status) (patented, pending, abandoned) |
|--------------------------|---------------|---|
| | | |
| | | |

Power of Attorney

As a named inventor, I hereby appoint Dana M. Raymond, Reg. No. 18,540; Frederick C. Carver, Reg. No. 17,021; Francis J. Hone, Reg. No. 18,662; Joseph D. Garon, Reg. No. 20,420; Arthur S. Tenser, Reg. No. 18,839; Ronald B. Hildreth, Reg. No. 19,498; Thomas R. Nesbitt, Jr., Reg. No. 22,075; Robert Neuner, Reg. No. 24,316; Richard G. Berkley, Reg. No. 25,465; Richard S. Clark, Reg. No. 26,154; Bradley B. Geist, Reg. No. 27,551; James J. Maune, Reg. No. 26,946; John D. Murnane, Reg. No. 29,836; Henry Tang, Reg. No. 29,705; Robert C. Scheinfeld, Reg. No. 31,300; John A. Fogarty, Jr., Reg. No. 22,348; Louis S. Sorell, Reg. No. 32,439 and Rochelle K. Seide, Reg. No. 32,300 of the firm of BAKER & BOTTS, L.L.P., with offices at 30 Rockefeller Plaza, New York, New York 10112, as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith

| | |
|---|---|
| SEND CORRESPONDENCE TO: BAKER & BOTTS, L.L.P. 30 ROCKEFELLER PLAZA, NEW YORK, N.Y. 10112 <u>CUSTOMER NUMBER: 21003</u> | DIRECT TELEPHONE CALLS TO: BAKER & BOTTS, L.L.P. (212) 705-5000 |
|---|---|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|---|---|---|---|
| FULL NAME OF SOLE OR FIRST INVENTOR | LAST NAME <u>WAI-CHIU SO</u> | FIRST NAME <u>TONY</u> | MIDDLE NAME |
| RESIDENCE & CITIZENSHIP <u>AUSTRALIA</u> | CITY <u>DONCASTER EAST</u> <i>AUX</i> | STATE or FOREIGN COUNTRY <u>VICTORIA</u> | COUNTRY OF CITIZENSHIP <u>AUSTRALIA</u> |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS <u>7 MARSDEN CRESCENT</u> | CITY <u>DONCASTER EAST</u> | STATE or COUNTRY <u>VICTORIA</u> ZIP CODE <u>3109</u> |
| DATE <u>20/9/2000</u> | SIGNATURE OF INVENTOR <i>Tony So</i> | | |
| FULL NAME OF SECOND JOINT INVENTOR, IF ANY | LAST NAME <u>DEO</u> | FIRST NAME <u>PETER</u> | MIDDLE NAME <u>PAUL</u> |
| RESIDENCE & CITIZENSHIP <u>AUSTRALIA</u> | CITY <u>OAKLEIGH</u> <i>AUX</i> | STATE or FOREIGN COUNTRY <u>VICTORIA</u> | COUNTRY OF CITIZENSHIP <u>AUSTRALIA</u> |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS <u>3/119 ATKINSON STREET</u> | CITY <u>OAKLEIGH</u> | STATE or COUNTRY <u>VICTORIA</u> ZIP CODE <u>3166</u> |
| DATE <u>20/9/2000</u> | SIGNATURE OF INVENTOR <i>Pete Deo</i> | | |
| FULL NAME OF THIRD JOINT INVENTOR, IF ANY | LAST NAME <u>TAIT</u> | FIRST NAME <u>RUSSELL</u> | MIDDLE NAME <u>JOHN</u> |
| RESIDENCE & CITIZENSHIP <u>AUSTRALIA</u> | CITY <u>DEEPPENE</u> <i>AUX</i> | STATE or FOREIGN COUNTRY <u>VICTORIA</u> | COUNTRY OF CITIZENSHIP <u>AUSTRALIA</u> |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS <u>33 CAMPBELL ROAD</u> | CITY <u>DEEPPENE</u> | STATE or COUNTRY <u>VICTORIA</u> ZIP CODE <u>3103</u> |
| DATE <u>12/9/2000</u> | SIGNATURE OF INVENTOR <i>Russell Tait</i> | | |
| FULL NAME OF FOURTH JOINT INVENTOR, IF ANY | LAST NAME | FIRST NAME | MIDDLE NAME |
| RESIDENCE & CITIZENSHIP | CITY | STATE or FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE or COUNTRY ZIP CODE |
| DATE | SIGNATURE OF INVENTOR | | |
| FULL NAME OF FIFTH JOINT INVENTOR, IF ANY | LAST NAME | FIRST NAME | MIDDLE NAME |
| RESIDENCE & CITIZENSHIP | CITY | STATE or FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE or COUNTRY ZIP CODE |
| DATE | SIGNATURE OF INVENTOR | | |
| FULL NAME OF SIXTH JOINT INVENTOR, IF ANY | LAST NAME | FIRST NAME | MIDDLE NAME |
| RESIDENCE & CITIZENSHIP | CITY | STATE or FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE or COUNTRY ZIP CODE |
| DATE | SIGNATURE OF INVENTOR | | |

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USA

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(b)) - SMALL BUSINESS CONCERN

Applicant or Patentee: Soltec Research Pty Ltd

Serial or Patent No: _____

Filed or Issued: _____

Title: Pharmaceutical Composition

I hereby declare that I am

- ☒ the owner of the small business concern identified below;
☐ an official of the small business concern empowered to act on behalf of the concern identified below

NAME OF SMALL BUSINESS CONCERN Soltec Research Pty Ltd

ADDRESS OF SMALL BUSINESS CONCERN 8 Macro Court, Rowville, Victoria 3178, Australia

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for the purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above
☐ the application identified above
☐ the patent identified above

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organisation having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a non profit organisation under 37 CFR 1.9(e).

Each person, concern or organisation having any rights in the invention is listed below:

- ☒ no such person, or organisation exists
☐ each such person, concern or organisation is listed below.

Separate verified statements are required from each named person, concern or organisation having rights to the invention averring to their status as small entities (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlements to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardise the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING ROSS A. MACDONALD

TITLE OF PERSON IF OTHER THAN OWNER MANAGING DIRECTOR

ADDRESS OF PERSON SIGNING 35 MELVILLE ST, HAWTHORN, VICTORIA, AUSTRALIA

SIGNATURE *R Macdonald* DATE 26 Sept 2000